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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,960	04/14/2004	Robert A. Lenart	27475/07380	5439

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EXAMINER

KEASEL, ERIC S

ART UNIT PAPER NUMBER

3754

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,960

Applicant(s)

LENART ET AL.

Examiner

Eric Keasel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 33, 34, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. In view of the cancellation of all previously pending claims, the restriction requirement is moot and withdrawn. All claims are examined below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-32 and 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimes et al. (US Patent Number 3,921,903).

Grimes et al. disclose a faucet, comprising: a housing (10, 26, 24, 36), a cartridge cap (56) positioned inside and movable within the housing; and a handle (62, 18) pivotally attached to the housing, the handle including an extension (18) which extends away from the pivotal connection of the handle to the housing; wherein a force applied to the extension of the handle will cause the handle to pivot and apply a downward force to the cartridge cap; wherein the cartridge cap is positioned entirely inside and movable entirely within the housing; wherein the housing includes a top and the cartridge cap does not extend above the top of the housing; wherein the housing includes an upper end and a top, the top having an opening therein; the handle includes a projection (the depending portions from 18 that project and slide through the opening when the handle is actuated); and the force applied to the extension of the handle will

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cause the handle to pivot and force the projection to slide through the opening in the top and into the upper end of the housing.

Grimes et al. also disclose a faucet comprising a housing; a cartridge cap positioned inside and movable within the housing, the cartridge cap including an upper cam surface having a highest point (the upper left portion of the top of 56); and a handle pivotally attached to the housing, the handle including a projection, the handle further including an extension which extends away from the pivotal connection of the handle to the housing; wherein the highest point of the upper cam surface of the cartridge cap is offset toward the pivotal connection of the handle to the housing; and wherein a force applied to the extension of the handle will cause the handle to pivot and force the projection to slide upon the upper cam surface of the cartridge cap to apply a downward force to the cartridge cap; wherein the cartridge cap is positioned entirely inside and movable entirely within the housing; wherein the housing includes a top and the cartridge cap does not extend above the top of the housing; wherein the housing includes an upper end and a top, the top having an opening therein; and the force applied to the extension of the handle will cause the handle to pivot and force the projection to slide through the opening in the top and into the upper end of the housing.

4. Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Korstorz (US Patent Number 4,698,858).

Korstorz discloses a faucet, comprising: a housing (102 and various unnumbered housing components), a cartridge cap (the cap portion above cartridge 103) positioned inside and movable within the housing; and a handle (103) pivotally attached to the housing, the handle

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including an extension which extends away from the pivotal connection of the handle to the housing; wherein a force applied to the extension of the handle will cause the handle to pivot and apply a downward force to the cartridge cap; wherein the cartridge cap is positioned entirely inside and movable entirely within the housing; and wherein the housing includes a top and the cartridge cap does not extend above the top of the housing.

5. Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingler (US Patent Number 3,168,112).

Klingler discloses a faucet, comprising: a housing (16, 23, 29, 33, 34), a cartridge cap (the top portion of 36) positioned inside and movable within the housing; and a handle (39) pivotally attached to the housing, the handle including an extension which extends away from the pivotal connection of the handle to the housing; wherein a force applied to the extension of the handle will cause the handle to pivot and apply a downward force to the cartridge cap; wherein the cartridge cap is positioned entirely inside and movable entirely within the housing; and wherein the housing includes a top and the cartridge cap does not extend above the top of the housing.

Allowable Subject Matter

6. Claims 33, 34, 39, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Keasel whose telephone number is (571) 272-4929. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 24 JUN 2005
Eric Keasel
Primary Examiner
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